

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NORTHEASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 2:19-cr-00010

District Judge William L. Campbell, Jr.

GILBERT R. GHEARING,

Defendant.

**NOTICE REGARDING DEFENDANT'S POSITION ON DR. CARL CHRISTENSEN
TESTIFYING VIA VIDEO TELECONFERENCE**

NOW COMES Defendant Gilbert Ghearing, M.D. ("Dr. Ghearing"), by and through undersigned counsel, and respectfully files this Notice Objecting to Dr. Christensen Testifying by Video Teleconference and in support thereof, he states as follows.

First, it's important to note that Dr. Christensen does not claim he is unable to travel to Nashville during this trial. His condition is not so severe to render travel impossible. Defendant objects to anything other than live, in-person testimony of Government witnesses.

Further, Notwithstanding the Jury's inability to observe Dr. Christensen in Court and assess credibility, Defendant's counsel has discussed the logistics of such testimony and learned that the capabilities proposed do not allow the Defense to cross examine Dr. Christensen with exhibits and impeachment evidence not provided in advance to Dr. Christensen or shared electronically.

Permitting testimony under these circumstances favors the Government, who can prepare its direct with Dr. Christensen, but impedes the defense, who will be hearing his testimony for the first time.

However, should the Court declare Dr. Christensen “unavailable” and an “essential witness” and if the Court determines that the Trial must be continued due to his “unavailability” - Dr. Ghearing must now choose between his speedy trial right and the right to confront his accuser. If Dr. Ghearing is put in such a bind, his right to confrontation must give way.

Therefore, he consents to taking a video deposition of Dr. Christensen that can be shared with the jury via video. Defendant is willing to travel to Detroit or Ann Arbor for this purpose and take the deposition during a break in Trial.

Respectfully Submitted,
CHAPMAN LAW GROUP

Dated: February 9, 2023

/s/ Ronald W. Chapman II
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Dated: February 9, 2023

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CERTIFICATE OF SERVICE

I hereby certify that on February 9, 2023, I presented the foregoing paper to the Clerk of the Court for filing and uploading to the ECF system, which will send notification of such filing to the parties involved.

/s/ Ronald W. Chapman II

Ronald W. Chapman II, Esq., LL.M.

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